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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,768	03/11/2004	Clifford L. Smith		6437

36347 7590 08/27/2004  
LAW OFFICE OF CRAIG BOHN  
2134 BRANARD STREET  
HOUSTON, TX 77098

EXAMINER

TUROCY, DAVID P

ART UNIT PAPER NUMBER

1762

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/798,768

Applicant(s)

SMITH, CLIFFORD L.

Examiner

David Turocy

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. A new oath or declaration is required because of an absent date in the power of attorney and the declaration. The signature is not dated in either of the documents. The wording of an oath or declaration cannot be amended. If the wording is not correct or if all of the required affirmations have not been made or if it has not been properly subscribed to, a new oath or declaration is required. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 3829007 A by Becker et al ('Becker') in view of the admitted state of the art as taught from the applicants' description.

As for claim 1-3, Becker discloses coating of a metallic article, such as machining or working tools, with a wear resistant layer of a hard material, by plasma arc process after the article is electroless plated prior to plasma spraying.

Art Unit: 1762

Becker fails to teach of a preparing the tool service area. The admitted state of the art as taught from the applicants description teaches that the "typical plating process consists of preparation of the item to be plated" which may include one or more of cleaning, grinding, stripping, polishing, blasting, and baking (Background of Invention, pg 2, lines 7-20). Therefore, it would have been obvious to one skilled in the art at the time of the invention to include a preparation step before plating including such steps as cleaning and abrading the tool service area with the expectation it helps improve adhesion of layer.

As for claim 4-6 and 8, Becker is discussed above. Becker fails to teach of a transitional finishing step at the end of the plating process. The admitted state of the art as taught from the applicants description teaches that typical plating is post-plate finished which may include one or more of cleaning, grinding, polishing, super-finishing, blasting, baking, and inspection (Background of Invention, pg 2, lines 7-20). Therefore, it would have been obvious to one skilled in the art at the time of the invention to include a transitional finishing step including abrading, baking and a transitional evaluating step.

As for claim 7 and 11, Becker is discussed above. Becker fails to teach of subsequent plating step or a subsequent spraying step. It is the examiners position that it would have been obvious to one skilled in the art at the time of the invention to apply multiple plating or spraying layer with the expectation of creating a thicker coating to, provide a more durable coating and meet any thickness requirements. Additionally, the admitted state of the art teaches that

Art Unit: 1762

multiple layers of spray coating may be applied to create a desired thickness (Background of Invention, pg 3 lines 16-18).

As for claim 9, 10, and 12-16, Becker is discussed above. Becker fails to teach of finishing steps at the end of the spraying process. The admitted state of the art as taught from the applicants description teaches that typical spraying is post-spray finished with one or more of cleaning, grinding, polishing, super-finishing, blasting, baking, and inspection (Background of Invention, pg 2 lines 21-23, pg 3 lines 1-18). Therefore, it would have been obvious to one skilled in the art at the time of the invention to include a conventional transitional finishing step including abrading, baking and inspecting the layer. Additionally, it would have been obvious to one skilled in the art at the time of the invention to include a finishing step after the spraying step that includes cleaning, polishing, and evaluating.

As for claim 17-25, Becker discloses coating of a metallic article (pg 4, claim 1). It is the examiners position that after plating, the article discussed by Becker is equivalent to a article having a plate coating layer or a base metal component and a plate coating layer as in claim 17. Additionally, Becker fails to address the pre-treatment and post-treatment of the article for coating. The admitted state of the art as taught from the applicants' description is applied here as discussed above for the pre-treatment and post-treatment of coatings above.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 5268045 by Clare teaches of thermally

Art Unit: 1762


sprayed coatings. US Patent 4810334 by Honey et al teaches of plating and a subsequent spraying of a turbine blade.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Turocy whose telephone number is (571) 272-2940. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Turocy  
AU 1762

  
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